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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.



BY: Amel m Alvarez

DATE: May 28, 2002

**PATENT
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Patent Application of : Group Art Unit: 1632
Darwin J. Prockop *et al.* :
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Appln. No.: 09/028,395 : Examiner: Richard Schnizer, Ph.D.
:
Filed: February 24, 1998 :
:
For: ISOLATED STROMAL CELLS FOR USE : Attorney Docket
IN THE TREATMENT OF DISEASES OF : No. 9598-32US
THE CENTRAL NERVOUS SYSTEM : (53844-5002-00)
: AUHS-318
:

**NOTICE OF APPEAL FROM PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Decision dated November 26, 2001, Paper No. 24, of the Primary Examiner finally rejecting claims 1-3 and 7-18.

The items checked below are appropriate:

- ☐ A Petition for Extension of Time with extension fee for three (3) months up to and including , to respond to the final rejection was filed on _____.
- ☒ A Petition for Extension of Time for three (3) months to file the Notice of Appeal is enclosed.
- ☒ Please charge our Deposit Account No. 50-0310 (Billing No. 053844-5002-00) for this Notice of Appeal. A duplicate copy is enclosed.
- ☒ \$160.00-- a Small Entity Declaration has been filed previously in this case.
- ☐ \$320.00 -- no Small Entity Declaration is appropriate.
- ☐ Not required (fee paid in prior appeal).

05/04/2002 TBESKAW 00000061 500310 09028395

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1-PH/1614397.1

☐ An oral hearing before the Board of Appeals is respectfully requested.

☐ Please charge our Deposit Account No. **50-0310** (Billing No. **53844-5002-00**) for this request for an oral hearing.

☐ \$140.00 - a Small Entity Declaration has been filed previously in this case.

☐ \$280.00 - no Small Entity Declaration is appropriate.

☒ Any additional required fees or any overpayments may be charged or credited to Deposit Account No. **50-0310** (Billing No. **53844-5002-00**), one additional copy of this Notice is enclosed for accounting purposes.

Respectfully submitted,

DARWIN J. PROCKOP ET AL.

May 28 2002
(Date)

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Enclosure (Petition for Three-Month Extension of Time; Response to Office Action; Supplement IDS, PTO Form 1449 and References)